

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Norfolk Division



LEONORA A. MONTON

Plaintiff,

v.

STIHL INCORPORATED

Defendant.

CASE NO.:

2:12cv707

SERVE: Mark D. Williamson, Esquire
Registered Agent for STIHL Incorporated
101 W. Main Street, Ste. 9000
Norfolk, VA 23510

COMPLAINT

Plaintiff, Leonora A. Monton, by counsel, for her Complaint against Defendant, STIHL Incorporated, alleges as follows:

PARTIES

1. Plaintiff, Leonora A. Monton ("Monton"), a natural person, was at all times relevant hereto a citizen of the Commonwealth of Virginia, residing in the city of Virginia Beach.
2. Defendant STIHL Incorporated ("STIHL") is a corporation organized and doing business under the laws of the Commonwealth of Virginia with its principal place of business in the Commonwealth of Virginia.

JURISDICTION AND VENUE

3. This is an action brought by Monton for damages on account of STIHL's sexually discriminatory and retaliatory practices as prohibited by 42 U.S.C. §1981, Title VII of the Civil Rights Act, 42 U.S.C. §2000e et seq., and the United States Constitution, Fourteenth Amendment.

4. This Court has subject matter jurisdiction of this cause of action under 28 U.S.C. §§ 1331, 1343 and 42 U.S.C. §2000e et seq.

5. Prior to instituting this suit, Monton timely filed an administrative claim with the Norfolk Office of the Equal Employment Opportunity Commission (EEOC).

6. The EEOC failed to resolve the claim and issued Monton a right-to-sue letter dated September 28, 2012. A true and correct copy of the right-to-sue letter is attached to this Complaint and incorporated by reference as Exhibit "A."

7. Venue is proper in the Eastern District of Virginia pursuant to 28 U.S.C. §1391.

FACTS COMMON TO ALL CLAIMS

8. Monton was employed by STIHL as an assembler at its facility located at 546 Viking Drive in Virginia Beach, Virginia. Monton's employment began on or about January 4, 2011.

9. On or about January 25, 2011, Phil Schings ("Schings"), an employee of STIHL, grabbed Monton from behind and grasped her hips. Monton turned around and told Schings to stop.

10. On or about February 22, 2011, Monton was directed by her supervisor to work with employee Dakota Doe (Last Name Unknown) ("Dakota").

11. While the two of them were walking to Monton's workstation, Dakota began to stroke Monton's back and repeat her name over and over. Monton requested that Dakota stop touching her and he temporarily complied.

12. However, once the two employees reached Monton's workstation, Dakota stood immediately behind Monton and forced his knee into the center of Monton's buttocks.

13. When Monton asked him to stop, Dakota denied touching her and threatened to report her for making false accusations.

14. Monton began to cry and immediately reported Dakota's and Schings' actions to her supervisor. The supervisor directed Monton to report the harassment to STIHL's Human Resources Department. Monton reported the actions of both Schings and Dakota the following day.

15. Monton's employment was terminated on March 8, 2011.

16. STIHL terminated Monton's employment due to her complaint of harassment.

17. Monton was denied wages and fringe benefits as a result of termination, and she suffered emotional pain and mental anguish as a result of the harassment and retaliation.

18. STIHL's Human Resources Department was aware that such retaliation and termination was prohibited by law, and acted with malice and reckless disregard by moving forward with the termination.

COUNT I - VIOLATION OF TITLE VII – SEXUAL HARASSMENT

19. Monton incorporates by reference herein all allegations set forth above.

20. Title VII prohibits employers from discriminating "against an individual with respect to . . . terms, conditions, or privileges of employment because of such individual's . . . sex." 42 U.S.C. § 2000e-2(a)(1).

21. Sexual harassment constitutes prohibited sex discrimination. *Meritor Sav. Bank, FSB v. Vinson*, 477 U.S. 57, 64, 106 S. Ct. 2399, 91 L. Ed. 2d 49 (1986).

22. Monton is female and belongs to a protected group.

23. Monton suffered unwelcome sexual harassment from Schings and Dakota.

24. The actions of Schings and Dakota were based upon Monton's gender.

25. STIHL failed to take effective remedial action even though it was aware of the harassment.

26. Trial by jury is hereby requested.

WHEREFORE, your Plaintiff, Leonora A, Monton, demands judgment against Defendant STIHL Incorporated for front pay, back pay, liquidated damages to be determined by a jury, punitive damages, attorney's fees, costs, an injunction to prevent further violations of the law, and for such further relief as is appropriate.

COUNT II - VIOLATION OF TITLE VII – RETALIATION

27. Monton incorporates by reference herein all allegations set forth above.

28. Monton filed a complaint of sexual harassment with her employer.

29. Monton was terminated as a result of filing her complaint.

30. It is unlawful for an employer to retaliate against an employee for opposing any unlawful employment practice.

31. Trial by jury is hereby requested.

WHEREFORE, your Plaintiff, Leonora A, Monton, demands judgment against Defendant STIHL Incorporated for front pay, back pay, liquidated damages to be determined by a jury, punitive damages, attorney's fees, costs, an injunction to prevent further violations of the law, and for such further relief as is appropriate.

Respectfully Submitted,

LEONORA A. MONTON



Of Counsel

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